

In the United States Patent and Trademark Office

Application No.: not assigned
Filed: filed herewith
Title: Microfabricated Tissue as a Substrate for Pigment Epithelium Transplantation
Applicant(s): Harvey A. Fishman
Examiner: not yet assigned
Art Unit: not yet assigned

Mailed 01-28-04
Palo Alto, CA

Information Disclosure Statement

Commissioner of Patents and Trademarks
Alexandria, VA 22313

Dear Sir or Madam:

Attached is a completed Form PTO-1449 and copies of the pertinent parts of the references cited thereon. It is requested that the document(s) on the enclosed form be made of record.

Part I (Authority)

This statement is filed pursuant to:

☒ 37 C.F.R. § 1.97(b).

This information disclosure statement is filed either (1) within three months of the filing date of the national applications; (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or (3) before the mailing date of a first office action on the merits, whichever event occurs last.

Accordingly, this information disclosure statement requires no fee and no certification.

☐ 37 C.F.R. § 1.97(c).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing date of either (1) a final action under 37 C.F.R. § 1.113 or (2) a notice of allowance under 37 C.F.R. § 1.311.

Accordingly, this information disclosure statement requires either the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) (\$240), or a certification according to 37 C.F.R. § 1.97(e).

☐ 37 C.F.R. § 1.97(d).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(c).

Accordingly, this information disclosure statement requires the petition fee specified in 37 C.F.R. § 1.17(i)(1) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) (\$130), a certification according to 37 C.F.R. § 1.97(e), and a petition requesting consideration of the information disclosure statement.

Conditional Petition

It is respectfully requested that this information disclosure statement be considered, good cause being presented in Part III herein (certification). Please treat this paper as the required petition.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record.

To the extent required, please treat this paper as a conditional petition for acceptance of the

Part II (Payment)

A check is enclosed as indicated:

- ☒ (X) No fee is due.
- ☐ () The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) is enclosed (\$240).
- ☐ () The petition fee specified in 37 C.F.R. § 1.17(i)(1) to consider an information disclosure statement under 37 C.F.R. § 1.97(d) is enclosed (\$130).

Part III (Certification)

Pursuant to 37 C.F.R. § 1.97(e), I certify:

- ☒ (X) No certification is necessary.
- ☐ ()
 - (1) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement.
 - ☐ () The "communication from a foreign patent office" referred to in the certification is an International Search Report, possibly issued by the U.S. Patent and Trademark Office in its capacity as an International Search Authority or International Preliminary Examining Authority.
 - ☐ () The "counterpart foreign application" referred to in the certification corresponds to an ancestor or descendent application of the application for which this information disclosure statement is filed.
- ☐ () (2) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of the statement.

Part IV (Additional Statement)

An additional statement regarding these items of information () is, (X) is not, enclosed.

Copies of the cited art () are enclosed, (X) are of record in parent application Serial No. 09/872,513 and will be provided if the Examiner deems it convenient.

Dated: 01-28-04

Respectfully submitted,



Ron Jacobs, Ph.D.
Reg. No. 50,142
2345 Yale Street, 2nd Floor
Palo Alto, CA 94306
tel: (650) 424-0100
fax: (650) 424-0141

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE										ATTY. DOCKET NO. S00-188/CIP		SERIAL NO. Not yet assigned	
LIST OF DOCUMENTS CITED BY APPLICANT (Use several sheets if necessary)										APPLICANT Harvey A. Fishman			
										FILING DATE Filed Herewith		GROUP Not yet assigned	
U.S. PATENT DOCUMENTS													
EXAMINER INITIAL		DOCUMENT NUMBER						DATE		NAME		RELEVANT INFORMATION	
A		5	9	6	2	0	2	7	10/05/99	Hughes			
B		6	0	4	5	7	9	1	04/04/00	Liu			
FOREIGN PATENT DOCUMENTS													
		2- letter code		DOCUMENT NUMBER				DATE		COUNTRY		TRANSLATION	
												YES NO	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)													
K		L. Lu, et al., "Retinal pigment epithelium cell culture on thin biodegradable poly (DL-lactic-co-glycolic acid) films", J. Biomater Science Edn., vol. 9, no. 11 pp. 1187-1205 (1998).											
		T. Dintelmann, et al., "Comparative study of ROS degradation by IPE and RPE cells in vitro", Graef's Arch Clin. Exp. Ophthalmology 1999 No. 237, pp. 830-839.											
L		C.D. James, et al., "Aligned microcontact printing of micrometer-scale Poly-L-Lysine structures for controlled growth of cultured neurons on planar microelectrode arrays", IEEE Transaction of Biomedical Engineering, Vol. 47, No. 1, January 2000, pp. 17-21.											
		U. Hartmann, et al., "Human and porcine anterior lens capsule as support growing and grafting retinal pigment epithelium and iris pigment epithelium", Graef's Arch Clin Exp Ophthalmology (1999), vol. 237, pp. 940-945.											
M		G. Thurman, et al., "Transplantation of autologous iris pigment epithelium after removal of choroidal Neovascular Membranes, Arch Ophthalmology (Oct. 2000), vol. 118, pp. 1350-1355.											
		L. Lu, et al., "Retinal pigment epithelial cell function on substrates with chemically micropatterned surfaces", Biomaterials (Dec. 1999), vol. 20, No. 23/24, pp. 2351-2361.											
N		A. Lappas, et al., "Clinical investigation: Iris pigment epithelium cell translocation in exudative age-related macular degeneration, A pilot study in patients", Graefe's Archive for Clinical Experimental Ophthalmology, Abstract, vol. 238, issue, pg. 1 and 2 electronic version, ISSN: 1435-702X, http://link.springer-ny.com/link/service/journals/00417/bibs/0238008/02380631.htm											
		Giordano, et al., "Retinal pigment epithelium cells cultured on synthetic biodegradable polymers", (Abstract), http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list_uids=897...6											
		Abe T., et al., "Auto Iris pigment epithelium cell transplantation in patients with age-related macular degeneration: short-term results", (Abstract), http://www.n.../query.fcgi?cmd=Retrieve&dblist=PubMed&list_uids=10896035&dopt=Abstract											
		Abe T., et al., "Functional analysis after auto iris pigment epithelial cell transplantation in patients with age-related macular degeneration", (Abstract), http://www.n.../query.fcgi?cmd=Retrieve&db=PubMedlist_uids=10739165&dopt=Abstract											
		Nicolini, et al., "The anterior lens capsule used as support material in RPE cell-transplantation", (Abstract), http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list_uids=11c...7											
EXAMINER								DATE CONSIDERED					
* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.													